

## REMARKS

Claim 22 has been amended. Claim 23 and 24 depend on claim 22.

Claims 22-24 have been rejected under 35 USC 103(a) as unpatentable over Carlson (US. 6,151,930) in view of Holper (US. 2,960,190). Applicants note that this is a new rejection with both of these references being of record. The 06/02/2004 Office Action allowed claims 22-24 with both of these references of record, and stated in paragraph 9 of the Detailed Action that “Holper (2960190) discloses a “stick type” brake 302 in FIG. 3B operable upon power loss to apply a brake but lacks the specific claimed brake. Also, the suggestion or motivation for modifying of the prior art of record to include Holper’s device seems to be lacking.” The present Office Action states that Carlson (US 6,151,930) “does not disclose a safety backup brake, which is brought into operation, should the power to the MR damper fail.” The present Office Action then states that “It would have been obvious at the time the invention was made to one having ordinary skill in the art to which the invention pertains to modify the apparatus of Carlson to include a spring biased brake similar to that of Holper to slow the movable member of Carlson should the power be lost in order to provide for a safety backup.” Applicants contend that a complete reading of Carlson (6,151,930) provides no suggestion or motivation to modify its teaching to include Hopler’s brake to provide a safety backup. Applicants contend there is no motivation or suggestion for this combination, that the Office Action of 06/02/2004 is correct in that such suggestion and motivation is lacking.

Additionally Applicant’s have presently amended claim 22 to specifically claim that the brake is distal from the motor. In addition to the above argument that motivation is lacking in the proposed combination of Carlson (6,151,930) and Holper (2,960,190) such an unmotivated combination of Holper (2,960,190) into Carlson (6,151,930) would result in the motor brake of Holper adjacent and close to a motor in Carlson (6,151,930) (Applicants note that Carlson does not show a motor for its washing machine). Clearly the present amended claims are not rendered obvious by the proposed combination, in that currently amended claim 22 claims the brake distal

from the motor and the brake contact member contacts the washing machine drum.

Claims 22-24 have been rejected under 35 U.S.C. 102(b) as being anticipated by Dufresne (4,232,768). Dufresne disclose a traveling crane having a winch with a main brake 27 and a second emergency brake 29. Dufresne does not disclose a washing machine. The presently amended claims are not anticipated or rendered obvious by the traveling crane winch brake system of Dufresne (4,232,768)

Claims 22-24 have been rejected under 35 U.S.C. 102(b) as being anticipated by Aipperspach (DE 4202721 A1). From the English Abstract provided with the reference, it appears that Aipperspach discloses a friction damper with a braking body inside the damper itself. Aipperspach does not disclose a brake contact member that contacts a washing machine drum. Aipperspach does not anticipate or render obvious the presently amended claims. Applicants do not have an English translation of this reference and respectfully request a copy of such if available an obtained from STIC.

Applicants respectfully request a Notice of Allowance of all pending claims.

Respectfully submitted,



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**CERTIFICATE OF MAILING**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited on February 22, 2005 with the United States Postal Service in an envelope addressed to the Commissioner of Patents and Trademarks, Mail Stop Amendment, PO Box 1450, Alexandria, VA 22313-1450, with sufficient postage as first class mail (37 CFR 1.8(a)).

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Signature

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Date